THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24712 OF 2005

Dt.21.11.2005

Between:

P.Venkatanna

… Petitioner

And

The Prohibition and Excise Superintendent,

Mahabubnagar and another. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Prohibition and Excise.

The petitioner questions the order of the first respondent dated 10.12.2004 in suspending the Counter No.3 of T.F.T of toddy shop of Ulegepaly, Maldakal Mandal, Mahabubnagar District, pending enquiry. It is stated that on 18.10.2004 the Prohibition and Excise Inspector, Gadwal visited the village and found one person vending toddy said to have been ran away from the scene of offence. The person who ran away is not the petitioner. But the excise officials have stated that the petitioner himself has ran away on seeing the excise officials. On inspection of Counter No.3 of T.F.T shop of the

petitioner, they found 35 liters of toddy in five plastic crates and the same was tested, which was found adulterated with Chloral Hydrate. After following the due procedure three samples were drawn and one of the sample was sent to the Judicial First Class Magistrate, Gadwal in P.C.R.No. 131/04-05 dated 18.10.2004 with a request to send the same to the Government Chemical Examiner for Prohibition and Excise Laboratory for analysis and report. The Government Chemical Examiner vide report dated 30.6.2005 opined that the toddy was adulterated with Chloral Hydrate. Therefore, the petitioner was called upon to submit explanation within seven days as to why the licence bearing No.102 dated 30.4.2002 of Toddy shop for counter bearing No.3 of Ulgepally T.F.T., Maldakal Mandal valid up to 31.3.2007 shall not be cancelled. Pursuant to the said show cause notice dated 22.9.2005, the petitioner filed explanation on 4.10.2005, which was received by the first respondent on 5.10.2005. In the explanation it is stated that he is T.F.T licensee of Counter No.3 of Ulgepally village, but no excise officials have inspected the said toddy shop while he was carrying on the business and no samples have been taken from his shop and the case has been illegally foisted against him though he has no connection or relation with the said case. The said explanation has been rejected by proceedings dated 17.10.2005 by the first respondent. But the petitioner has not questioned the said order of the Prohibition and Excise Superintendent, Gadwal. Curiously he has chosen to question the suspension order made pending enquiry. After the impugned order is passed, the Government Chemical Examiner also opined that the toddy is adulterated with Choral Hydrate and the explanation of the petitioner denying the registering of the case itself and the drawing of the sample itself has been rejected. But the said rejection order dated 17.10.2005 has not been questioned in this writ petition.

Therefore, I am of the opinion that the petitioner is not entitled for any relief in this writ petition as he is only questioning the order of suspension pending enquiry.

The writ petition is devoid of merit and it is accordingly dismissed. No

costs.

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(V.ESWARAIAH, J.)

21.11.2005

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